

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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IN RE: NEW ENGLAND COMPOUNDING) MDL No. 2419
PHARMACY, INC. PRODUCTS LIABILITY)
LITIGATION) Master Dkt. No. 1:13-md-2419- RWZ
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This Document Relates To:)
All Cases)
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**ASSENTED-TO MOTION FOR EXTENSION OF TIME FOR DEFENDANT
UNIFIRST CORPORATION TO RESPOND TO PLAINTIFFS' STEERING
COMMITTEE'S MOTION FOR ENTRY OF BELLWETHER
TRIAL AND PRE-TRIAL SCHEDULING ORDER**

Defendant UniFirst Corporation (“UniFirst”) hereby moves, with the assent of the Plaintiffs’ Steering Committee (“PSC”), for an extension of time until March 3, 2014 to respond to the PSC’s Motion for Entry of Bellwether Trial and Pre-trial Scheduling Order (the “PSC’s Bellwether Motion”).

In support of this motion, UniFirst states as follows:

1. UniFirst has been named as a defendant in the Master Complaint and all of the Short Form Complaints filed in this MDL. UniFirst was first served with a short form complaint in this case on December 18, 2013. Since then, UniFirst has been named as a defendant in short form complaints filed in more than 250 cases currently pending in this MDL by plaintiffs residing in at least seventeen different states.

2. On January 31, 2014, the PSC filed its Bellwether Motion. Dkt. # 837. Before filing its Motion, the PSC met and conferred with other defendants in the case regarding the

bellwether selection process and pre-trial schedule. *See, e.g.*, Dkt # 457. At that time, counsel for UniFirst had not yet appeared in this case, and it therefore was not included in those meet and confers.¹

3. While the PSC's Bellwether Motion, as drafted, applies only to "Saint Thomas-Related Defendants," the parties anticipate that all claims brought against UniFirst by the Tennessee plaintiffs will move forward on the same timeline, and pursuant to the same bellwether protocol, as the claims against the Saint Thomas-Related defendants. *See* PSC's Bellwether Memorandum at 1 n.2 (Dkt. # 838) ("The PSC anticipates establishing a pretrial schedule with UniFirst that will largely track the proposed schedule relating to the St. Thomas-Related Defendants . . ."). UniFirst therefore has an interest in taking part in the dialogue concerning the Bellwether Motion and, if need be, filing an opposition and competing protocols.

4. UniFirst's opposition to the PSC's Bellwether Motion would be due on Friday, February 14, 2014, pursuant to Local Rule 7.1(b)(2). This deadline does not provide UniFirst with sufficient time to fully and thoughtfully analyze the issues presented by the PSC's Bellwether Motion or to confer with the PSC about these matters.

5. Because UniFirst did not appear in this centralized action until February 4, 2014, UniFirst requests a brief extension, until March 3, 2014, to submit any papers in response to the Bellwether Motion. This brief extension of time will provide the parties with ample time to meet and confer, and will ensure that UniFirst has sufficient time to brief any remaining disputes. The parties do not believe that this extension will result in any undue delay.

6. Counsel for the parties have conferred, and the PSC assents to the requested extension.

¹ Counsel for UniFirst entered their appearance on February 4, 2014. Dkt # 851-855.

WHEREFORE, UniFirst respectfully requests, with the assent of the PSC, that the Court grant its motion and enter an Order extending UniFirst's time to respond to the PSC's Bellwether Motion until March 3, 2014.

Respectfully submitted,

DEFENDANT UNIFIRST CORPORATION

By its attorneys,

/s/ James C. Rehnquist

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Dated: February 14, 2014

**LOCAL RULE 7.1(A)(2) CERTIFICATION
AND CERTIFICATE OF SERVICE**

I, James C. Rehnquist, hereby certify that counsel for Defendant, UniFirst Corporation, conferred by e-mail with opposing counsel in an effort to resolve or narrow the issues presented in this motion prior to filing, and opposing counsel assents to the relief sought herein.

I further certify that a copy of this document, filed through the CM/ECF system will be accessible to those attorneys who are registered with the Court's electronic filing system and Notice of Electronic filing (NEF) will be sent to these parties by operation of the CM/ECF system on February 14, 2014.

/s/ James C. Rehnquist

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[PROPOSED] ORDER

On February 14, 2014, the counsel for defendant UniFirst Corporation (“UniFirst”) filed a motion with the assent of the Plaintiffs’ Steering Committee (“PSC”), for an extension of time until March 3, 2014 to respond to the PSC’s Motion for Entry of Bellwether Trial and Pre-trial Scheduling Order (the “PSC’s Bellwether Motion”) (Dkt. # 837). The Court finds good cause for the motion and hereby grants the motion and orders that UniFirst shall have until March 3, 2014 to respond to the PSC’s Bellwether Motion.

SO ORDERED:

Hon. Rya W. Zobel,
United States District Court Judge

Date